

CIVIL DOCKET  
UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE			ATTORNEYS			
<p>DR. JAMES EMORY SEASHOLTZ</p> <p>VS</p> <p><del>NELLIE K. STOVER, BETTY ANN NURSING HOME, GROVE, OKLAHOMA, and WILBUR STOVER, BETTY ANN NURSING HOME, GROVE, OKLAHOMA, and MULTICARE CORPORATION, Officer: David Mosher, William and Mary Nursing Center, St. Petersburg, Florida; and NATIONAL BANK OF TULSA, TULSA, OKLAHOMA</del></p>			<p>For plaintiff:</p> <p><b>Pro Se</b> 52585 Base Street New Baltimore, Michigan 48047</p> <p><del>Ross Hutchins</del> <i>excluded as attorney</i> <del>4021 S. Harvard</del> <i>on 5-15-73</i> <del>Tulsa, Okla 74135 Tel. 749-4411</del></p> <p>Larry A. McSoud Center Office Building 630 West 7th Street Tulsa, OK 74127 584-4168</p> <p>For defendant:</p> <p>R. L. Davidson, Jr. (Stovers) ✓ 900 Sooner Federal Bldg. Tulsa, Oklahoma 74103 583-2131</p> <p>David Holland (NBT) ✓ Rogers, Bell &amp; Robinson 801 NBT Bldg. Tulsa, Oklahoma 74103 582-5201</p> <p>Dwayne C. Pollard, ✓ Rooney McInerney (Multicare etal) 1304 Pet. Club Bldg. Tulsa, Okla. 585-2751 <i>74119</i></p>			
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>3-1-73</i>	Clerk		2-27-73	Seasholtz	15 00	
			3-1-73	C.D.No.38		15 00
J.S. 6 mailed <i>4-1-76</i>	Marshal					
Basis of Action: Breach of contract	Docket fee					
	Witness fees					
Action arose at:	Depositions					

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-27-73*	Petition in civil lawsuit, filed. hm Summons issued. hm	
3-12-73	Interrogatories to adverse parties, filed. hm	
3-16-73	U.S. Marshal's service returned and filed; Civil suit served on NBT, 2-28-73 at Tulsa; served Nellie and Wilbur Stover, 2-28-73 at Grove, Okla.; and, David Mosher, 3-5-73 at St. Petersburg, Fla. (USM fee \$37.33) jj	
3-16-73	Motion of Nellie K. and Wilbur Stover for Enlargement of Time with Order as part of pleading granting until 4/3/73 to ans. filed. jj (JCS-CC)	
3-20-73 >	Separate Ans. of Deft. NBT, filed. jj	
3-23-73	Order filed that Multicare Corp, officer: David Mosher, William and Mary Nursing Center are granted until 4/10/73 to ans., filed. jj (JCS-CC)	
3-27-73	Answer of def. NBT to interrog. of pltf., filed. hm	
4-3-73	Motion for extension of time for def to answer Interrogatories filed by def. Multicare Corp, etc. (until May 3, 1973) -order to AEB.	
4-3-73	Motion of Multicare Corp. for enlargement of time to answer filed. -order to AEB.h	
4-3-73	Motion of defs. Nellie & Wilbur Stover for ext. of time to 5-3-73 in which to answer interrogatories filed. -order to AEB.h	
4-3-73	Motion for enlargement of time of defs. Stovers for enlargement of time to answer filed. h-order to AEB-J)h	
4-9-73	Order, filed, that defts. Multicare Corp, officer: David Mosher, William & Mary Nursing Center are granted until 5-3-73 to file objections or answers to pltf's interrog. (AEB-J)hm (copies mailed)	
4-9-73	Order, filed, that defts. Multicare Corp, Officer: David Mosher, William & Mary Nursing Center are granted until 5-3-73 to file response to pltf's complaint. (AEB_J)hm (copies mailed)	
4-9-73	Order, filed, that defts. Nellie & Wilbur Stover are granted until 5-3-73 to file objections or answers to pltf's interrog. (AEB-J)hm (copies mailed)	
4-9-73	Order, filed, that defts. Nellie & Wilbur Stover are granted until 5-3-73 to file response to pltf's complaint. (AEB-J)hm (copies mailed)	
4-20-73*	Motion of defs. Nellie K. Stover and Wilbur Stover to add. add. party def., filed, w/authority in support thereof, filed. rm	
4-20-73	Ordered that pltf. is granted 10 days in which to respond to defs. Stovers mo/add party def. (AEB-J)rm - ltr written	
5-1-73	Application for Extension of time, filed. jj <i>copy which was not added to J</i>	
5-2-73	Defts' <sup>Stovers</sup> /Answers to Interrogatories, filed. jj	
5-3-73	Defts, Multicare, Application for Extension of time to Answer Interrogatories and Complaint, filed. jj <i>copy</i>	

DATE	PROCEEDINGS	Date Order or Judgment Noted
5-4-73	Ordered by the Court extending time to Answer Interrogatories and Complaint to deft. Multicare Corporation until 5-14-73 (AEB-J)jj <i>after 30 days mailed</i>	
5-7-73	Request <sup>of Ross Hutchins,</sup> to Withdraw as Counsel for Pltf., filed. jj <i>OK</i>	
5-10-73	Deft. <u>Multicare's</u> Objections to Certain of Pltfs' Inter. by Multicare Corp., one of the Deft.s, filed.	
5-10-73	Memorandum Brief in Support of Obj. by Multicare Corp. to Certain of Pltfs' Inter., filed. jj	
5-10-73	Answer of Multicare, filed. jj	
5-10-73	Answers to Pltfs' Inter. directed to Deft. Multicare, filed. jj	
5-15-73	Order, filed, granting Ross Hutchins to withdraw as counsel for Dr. James Emory Seasholtz. (AEB-J)v -copies mailed.	
5-17-73	It is ordered that Def's (Multicare) objection to certain of plaintiffs Interrogatories etc, is transferred to U.S. Mag. Bradford for hearing and recommendations. (AEB-J)h	
6-21-73	Deft.s Nellie and Wilbur Stover's First Set of Interrogatories to James Emory Seasholtz, filed. v	
7-17-73	Answers to interrogatories, filed. ds	
9-6-73	Order, filed, that counsel are granted 10 days from date to comply with Local Court Rule 14(d), & thereafter seek Ct's action only if they cannot reach accord; and that deft. file answer or further plead within 15 days. (AEB-J)hm (copies mailed)	
9-11-73	Order, filed, that motion to add party deft. is overruled. (AEB-J)hm (copies mailed) & Order (Stovers)	
9-26-73	Appl./to File Mtn. Out of Time, filed. jj <i>orig 4+0 to J</i>	
9-28-73	Mtn. for Enlargement of Time, filed, with leave of Court	
9-28-73	Order, filed, granting enlargement of time to further plead or answer until October 11, 1973 (AEB-J)jj - copies mailed - <i>Stovers</i>	
10-2-73	Order granting Nellie & Wilbur Stover leave to file motion for enlargement of time out of time, filed. (AEB-J)g	
10-2-73	Order, filed, (court declines jurisdictional supervision of interrogatories) AEB-J)jj copies mailed	
10-10-73	Defts. Mtn. to Dismiss Complaint, filed. jj	
10-10-73	Brief in Support of Mtn. to Dismiss, filed. jj	
10-10-73	Order the Pltf. is granted 10 days from this date in which to respond to Defts. Mtn. to Dismiss (AEB-J)jj	
10-10-73	Ans. and Cross Complaint of Defts. Nellie and Wilbur Stover, filed. jj	
10-15-73	Amendment of defs. Stovers to motion to dismiss/with brief, filed. rm	
10-15-73	Ordered that pltf. is granted 10 days from this date to respond to defts. Stovers' mo/dismiss. (AEB-J)rm	

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-23-73	Answer of Multicare to Cross Claim, filed. jj	
10-23-73	Notice of Taking Dep. upon Oral Examination, filed. jj	
10-23-73	Mtn. to Dismiss of Deft. Multicare which adopts brief in support filed by Nellie and Wilbur Stover, filed. jj	
10-23-73	It is ordered by the court that pltf. is granted 10 days from this date in which to respond to deft's Mtn. to Dismiss (AEB-J)jj <i>it is noted</i>	
2-20-74	Deposition of Roy Edward Walker, on behalf of the Deft., filed. (Fees \$92, Pd by the deft., Multicare Corporation)s	
4-26-74	Appl. of Deft. Multicare Corp. requesting Court to set a time Pltf. be required to respond to Deft. Multicare's Mot. to Dismiss, filed. v	
8-25-75	MO: Case referred to Mag. Bradford for F & R re pending mots. (AEB-J)k	
10-22-75	Case called for hearing on Defts Nellie & Wilbur Stover to dismiss complaint & Deft Multicare Corp's motion to dismiss. Parties present. Defts motions sustained. R. Davidson to prepare order & F&R in 5 days.(MLB-Mag)b	
11-7	Findings and Recommendations of Magistrate, filed. It is recommended to the Court that the compl. of pltf. be dismissed at pltf's cost w/out prejudice provided pltf. shall have refiled the compl. w/in 20 days of the date of the Order of Dismissal. If such new proceeding is not filed w/in said time, then the dismissal herein shall be w/ prejudice. (MLB-Mag)k cps mld	
11-26-75	Order, filed & entered, sustaining motions of Nellie K. Stover, Wilbur Stover and Multicare Corporation to dismiss; said dismissal shall be without prejudice provided pltf. refiles a new action within 20 days of this date; if no new action filed within said 20 days, this dismissal shall be with prejudice to filing of any future action. (AEB-J)g cpies mld.	
11-28	Notice of atty's lien, filed by Lawrence A. McSoud, atty. for pltf.k	
12-16	MO: It is ordered by the Court that Pltf is granted additional 20 days from this date in which to refile a new action.(AEB-J)tc <i>cps mld</i>	
12-31	Affidavit of Dr. James Emory Seasholtz, filed. lm	
12-31	Affidavit of Rena Good, Individually, and as Administrator or Administratrix of the estate of her husband, Frank Good, Disclaiming and Authorizing Release of the Multicare Corporation stock presently being held in escrow by the National Bank of Tulsa now known as Bank of Oklahoma, filed. lm	
12-31	Pltf's Dismissal with Prejudice, filed. lm <i>att. to bring in 0</i>	
1-7-76	MO: It is ordered by the Court that all attorneys file, within ten days from this date, documentation of atty. fees claimed, if any. The case is set for hearing on atty. fees on 1-27-76 at 10:30 a.m. The Court will add. hear, at that time, dispo. of pending settlement. (AEB-J)ph cps. mld.	
1-19	Appli. for pltf's atty's fees, filed. lm	
1-26	Atty's Contract in Support of Appl. of Fees, filed.jj	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1976		
1-27	Response of J. E. Seasholtz to McSoud's appl. for atty. fees, filed. g	
2-9	Findings and Recommendations of Special Master as to Attorneys' fees, filed. g	
2-9	MO: Parties are advised that the Report of the Special Master was filed this date. Pursuant to the agreement of the parties at the hearing on Jan. 27, 1976, all objections must be filed 2 days thereafter, taking into consideration the provisions of Rule 6(e) of the Federal Rules of Civil Procedure which provides that when service is made by mail an additional 3 day period is computed from time of such service. Said notice of Special Master's Report shall be served by certified mail, return receipt requested. (AEB-J)g	
2-17	Pltf's Mot. to accept special Master's Report and to deny Intervenor's Exceptions and Motions to correct & recommendations, filed. t(w/Bf. a part of Motion)	
2-23	Statement of no exceptions to Special Master's Report, filed by Dr. Ira John Seasholtz. g	
2-27	ORDER FILED, <u>Ordered</u> that the "Exceptions" & Mot. filed by the Intervenor be and the same is hereby overruled. <u>Ordered</u> that the F/R of the Special Master be and the same are hereby affirmed and adopted by this Court. <u>Ordered</u> that attys' fees be allowed as follows: Stipe, Gossett, Stipe & Harper from the recovery of James Emory Seasholtz \$750.00, Lawrence A. McSoud from the recovery of James Emory Seasholtz \$4,000.00, W. L. Steger from the recovery of James Emory Seasholtz \$4,000.00, W. L. Steger and Lawrence A. McSoud \$5,408.00, J. R. Hall, Jr. and Joseph Mountford from the recovery of Ira John Seasholtz \$10,201.36 (AEB-J)t cps mld	
3-3	Order, filed, directing Clerk to deliver Cashier Check #110015 dtd. 8-1-75 simultaneously to James E. Seasholtz and Lawrence McSoud. (AEB-J)g	
3-23	MO: Based on the order heretofore entered affirming the Special Master's Report and the order authorizing the Clerk to pay out the cashier's check, and the Court having been advised that this matter has been settled and the plaintiff having heretofore filed his Dismissal With Prejudice, IT IS ORDERED that this cause of action is dismissed with prejudice. Entered this 23rd day of March, 1976. (AEB-J)k ntc by MC	

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